

PATENT

Attorney Docket No. 5725.0833-00

Customer No. 22,852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



here Application of:

Veronique DOUIN et al.

Application No.: 09/766,403

Filed: January 22, 2001

For: NANOEMULSIONS COMPRISING AT LEAST ONE AMPHIPHILIC LIPID, AT LEAST ONE OIL, AND AT LEAST ONE NONIONIC POLYMER, AND USES THEREOF

) Group Art Unit: 1617

) Examiner: A. Berman

JUL 11 2002

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Assistant Commissioner for Patents
Washington, DC 20231

Sir:

TERMINAL DISCLAIMER

Petitioner ("assignee") L'ORÉAL, duly organized under the laws of the Country of FRANCE and having its principal place of business at 14, Rue royal, 75008 Paris, FRANCE, represents that it is the only assignee of the entire right, title, and interest in and to the above-identified Application No. 09/766,403, filed January 22, 2001, in the name of Veronique DOUIN et al. for NANOEMULSIONS COMPRISING AT LEAST ONE AMPHIPHILIC LIPID, AT LEAST ONE OIL, AND AT LEAST ONE NONIONIC POLYMER, AND USES THEREOF as indicated by an Assignment duly recorded in the

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United States Patent and Trademark Office at Reel 011779, Frame 0024 on May 7, 2001.

Assignee L'ORÉAL further represents that it is the assignee of the entire right, title, and interest in and to the United States Application No. 09/903,768, filed July 13, 2001, in the name of Florence L'ALLORET et al. for NANOEMULSION CONTAINING NONIONIC POLYMERS, AND ITS USES as indicated by Assignment duly recorded in the United States Patent and Trademark Office at Reel 012449, Frame 0741 on January 10, 2002.

Evidentiary documents have been reviewed and, to the best of the undersigned's knowledge and belief, title to both the instant application and the application listed above is in assignee submitting this terminal disclaimer.

To obviate a double patenting rejection, L'ORÉAL hereby disclaims, under the provisions of 37 C.F.R. § 1.321, the terminal part of any patent granted on the above-identified Application No. 09/766,403, which would extend beyond the expiration date of any patent granted on U.S. Application No. 09/903,768, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on U.S. Application No. 09/903,768, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on Application No. 09/766,403 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any

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patent granted on U.S. Application No. 09/903,768 in the event that any patent granted on U.S. Application No. 09/903,768 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$110.00 is being filed with this disclaimer. If there are any additional fees due in connection with the filing of this reply, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

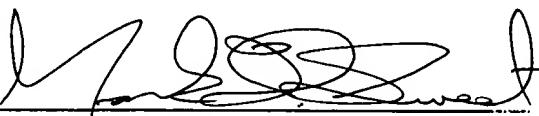
The undersigned is authorized to act on behalf of assignee L'ORÉAL.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 9, 2002

By:


Mark D. Sweet
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